

duties would be diminished. The Committee gave the General Assembly a broad grant of authority to impose additional duties on the attorney general and in our Committee Report, for example, we said that the General Assembly could require the attorney general to coordinate all the activities of the state's attorneys. If the State embarked upon a major war on crime, for example, there would be a necessity, I believe for coordinating all the activities of the prosecuting officials in the State. That is just one example of the additional duties which can be imposed upon the attorney general under our recommendation. But there was no thought that the duties of the attorney general would be diminished from what they are at the present time.

THE CHAIRMAN: Delegate Byrnes, do you have a further question?

DELEGATE BYRNES: Yes, sir, I would like to, if I could, have Chairman Morgan state the concept of this office and see whether or not you would agree with it? The problem I speak to now is the one that was raised on the floor when we first discussed this office where various questions were asked and I think it has been impressed on the record and I think erroneously, that in the event of conflict in state policy between the governor and the attorney general, if the resolution of that conflict depended upon the use of the personnel, resources or professional expertise of the attorney general or any of his staff, that the resolution would be made by not the governor but by the attorney general.

Now that statement was made and then later on in the discussion the contradictory statement was made by one of the delegates on the floor.

I think it is imperative that we clarify here today now what the relationship of these two individuals will be.

Delegate Gleason has alluded to it and I have suggested again when I speak in terms of the possibility of making him an elected head of a principal department which I do not think is inconsistent. It is inconsistent, but once you establish him the head of a legal department and you make him elective, I see no reason why he could not be the head of a principal department and elected as such.

DELEGATE MORGAN: What is your question?

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: My question is in the case of a conflict in state policy

which requires the expertise and the knowledge and resources and funds of the personnel of the law department, who has the authority to make the final decision?

This is not a question, I might clarify, of internal management of that of the attorney general's office and administration of that office.

THE CHAIRMAN: Delegate Byrnes, may the Chair interrupt?

It seems to me that your question is so broad as being incapable of being answered. You refer to conflict of state policy that might affect the legislative branch, executive branch, or any of the quasi-judicial agencies.

You have to be more specific.

DELEGATE BYRNES: I would say, sir, in the execution of state programs.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: It is the Committee's hope that the attorney general will not have any authority to administer any state programs. He will be strictly a lawyer and not have anything to do with state policy.

THE CHAIRMAN: Could the Chair try to rephrase the question as he understands it?

I think Delegate Byrnes is asking that if a problem arose with respect to the execution of state policy within the executive branch, that is the policy being submitted by the Constitution or law to the determination of the executive branch and the views of the governor and the attorney general differed, who would determine the policy?

DELEGATE MORGAN: I guess the governor does not have to follow the advice of the attorney general if he does not want to, but he has got to take the responsibility for his course of action if he decides not to.

That is the only way I can answer the question.

THE CHAIRMAN: Do you have a further question, Delegate Byrnes?

DELEGATE BYRNES: Not at this time, sir.

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: Chairman Morgan, I think we need some clarification of your answer to the first question that